

Referrals
7/9/19

**PLANNING AND
ECONOMIC
DEVELOPMENT
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City of Detroit
CITY COUNCIL
LEGISLATIVE POLICY DIVISION
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CITY CLERK 2019 JUL 1 PM 2:55

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TO: Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division

DATE: July 1, 2019

RE: 12th Street Secondary Street Naming

The Legislative Policy Division (LPD) has been requested to provide a report regarding the proposed resolution to provide a secondary street name for a segment of Rosa Parks Blvd., to 12th Street, which was its former name. LPD notes that the proposed resolution cites the Home Rules City Act as the grant of authority to City Council to issue the secondary street name, which creates a separate issue in and of itself.

LPD also notes that the reason for the request for 12th street to be added as a secondary street is based upon the unique history regarding the area. The segment of Rosa Parks Blvd of historic concern are the blocks between Grand Boulevard to Clairmount. While the area has a distinct history dating back to the 1930's, its national and internationally known history relates to the area being the epicenter of the 1967 uprising (or riots). Although the name has been changed to honor the late civil rights icon, the community and many Detroiter's would like to have a way of recognizing the historic event that occurred in 1967, by requesting the secondary street name of 12th Street be restored.

The primary issue addressed in this report is not whether the secondary name should be provided as a matter of public policy, but the process necessary to implement the policy should it be the desire of the City Council to do so.

As previously indicated, the proposed resolution provides that the City Council is acting under the authority granted under the Home Rule City Act (the Act). However, the provision of the Act addressing streets is under MCL 117.4h, provides in pertinent part:

Each city may in its charter provide:

- (1) For the use, regulation, improvement and control of the surface of its streets, alleys and public ways, and of the space above and beneath them;
- (3) For a plan of streets and alleys within and for a distance of not more than 3 miles beyond its limits;

The Act states that the City may in its charter provide for the use, regulation, improvement and control of the surface, as well as for a plan of streets and alleys within its limits. This is a grant of authority to the City to provide in the charter the mechanism for carrying out these provisions. Pursuant to Section 117.4h, the City has exercised its grant of authority by enacting in its Charter, Article VII, Chapter 4, Public Works, Section 7.401, which provides in pertinent part:

The Department of Public Works shall:

- (3) Provide for the construction, maintenance, demolition and engineering design of streets, alleys and public buildings

The City further exercise the authority granted by the Home Rule City Act, by implementing the City Code provisions under Article VII, *Opening, Closing, Extending, Widening, Vacating, Naming, and Renaming of Streets, and Assigning Secondary Names to Streets*. Division 2-*Renaming Streets*, setting forth the requirements for renaming streets; and Division 3-*Secondary Naming of Streets*, setting forth the requirements for providing secondary names to streets.

LPD notes that at the time the instant petition was filed regarding 12th street secondary street name, the ordinance language for secondary street names only applied to honorary signs for persons. The language did not provide a method for a non-person secondary street sign under Section 50-7-21(c), which stated:

A secondary street name designation may be sought to recognize a person who has achieved prominence as a result of his or her significant, position, contributions to the City of Detroit, State of Michigan, United States of America, or the international community.

The 12th Street secondary sign request did not comply with the ordinance. Since the initiation of the request the ordinance provision for secondary street name signage has been repealed. The ordinance provisions for secondary street names are currently being revisited. The language is being drafted by the Law Department for consideration by City Council. It is LPD's opinion that there is nothing in the Home Rule City Act that gives City Council the authority to simply grant by resolution a secondary street name, nor allow the City Council to bypass its own Charter and City Code provisions to provide a secondary street name.

Finally, in order for the 12th Street secondary street sign request to be approved, the revised secondary street name ordinance provision would have to include non-persons as an appropriate designee for secondary street signage.

If we can be of further assistance, please call upon us.



CITY OF DETROIT
DEPARTMENT OF PUBLIC WORKS
CITY ENGINEERING DIVISION

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE. SUITE 601
DETROIT, MICHIGAN 48226
PHONE: (313) 224-3949 • TTY: 711
FAX: (313) 224-3471
WWW.DETROITMI.GOV

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June 26, 2019

Honorable City Council:

RE: Petition No. 856 – Greektown Preservation Society, request a Seasonal Outdoor Café Permit on Monroe Street between Beaubien Street and St. Antoine Street.

Petition No. 856 – Greektown Preservation Society, request for an encroachment with the existing wood decks installed in the parking bays on the north side of Monroe Avenue, 50 feet wide between Beaubien Street, 60 feet wide and St. Antoine Street, 50 feet wide.

The petition was referred to the City Engineering Division – DPW for investigation and report. This is our report.

The Greektown Preservation Society is making the request as part of the proposed changes to the outdoor café seating at this location. The plans call for the sidewalk cafés to be adjacent to the buildings with the decking area to be used for pedestrian travel. The individual restaurants will submit their requests for the seasonal outdoor cafés.

The request was approved by City Engineering Division – DPW, and Traffic Engineering Division – DPW (TED).

The DWSD encroachment provisions have been made a part of the resolution.

All other involved City Departments, including the Public Lighting Authority and Public Lighting Department; also privately owned utility companies have reported no objections to the encroachment. Provisions protecting all utility installations are part of the attached resolution.

I am recommending adoption of the attached resolution.

Respectfully submitted,

Richard Doherty, P.E., City Engineer
City Engineering Division – DPW

JK/

Cc: Ron Brundidge, Director, DPW
Mayor's Office – City Council Liaison

COUNCIL MEMBER_____

RESOLVED, that the Department of Public Works, City Engineering Division is hereby authorized and directed to issue permits to the Greektown Preservation Society for an encroachment with the existing wood decks installed in the parking bays on the north side of Monroe Avenue, 50 feet wide between Beaubien Street, 60 feet wide and St. Antoine Street, 50 feet wide further described as:

Land in the City of Detroit, Wayne County, Michigan being part of Monroe Avenue lying southerly of the southerly line of Lots 140, 141, and 142 "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; also lying southerly of Lots 6, 7, 8, and 9 said lots north of and adjoining Monroe "Plat of the Antoine Beaubien Farm as recorded in Liber 27, Page 197 of Deeds, Wayne County Records; more particularly described as follows:

(Parking bay 1) Commencing at the southwest corner of Lot 139 of "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; thence N59°59'30"E 78.37 feet; thence S30°00'30"E 9.00 feet to the point of Beginning; thence N59°59'30"E 70.00 feet; thence S79°22'43"E 13.18 feet; thence S59°59'30"W 90.00 feet; thence N19°21'43"E 13.18 feet to the point of beginning.

(Parking bay 2) Commencing at the southwest corner of Lot 139 of "Plat of part of L. Beaubien Farm in the City of Detroit as surveyed into town lots for the proprietors" as recorded in Liber 6 of City Records, pages 475-478 Wayne County Records; thence N59°59'30"E 218.37 feet; thence S30°00'30"E 9.00 feet to the point of Beginning; thence N59°59'30"E 140.00 feet; thence S79°22'43"E 13.18 feet; thence S59°59'30"W 160.00 feet; thence N19°21'43"E 13.18 feet to the point of beginning.

PROVIDED, that if there is any cost for the removing and/or rerouting of any utility facilities, it shall be done at the expense of the petitioner and/or property owner; and be it further

PROVIDED, that each business wishing to install a modified outdoor seating would be required to maintain 6 feet wide clear sidewalk that is ADA compliant in front of the outdoor seating area at all times. The petitioner shall also be responsible for maintaining the wooden decking in good condition for pedestrian access at all times, and further

PROVIDED, that access is maintained for Fire Department vehicles to all fire hydrants, buildings and Fire Department Connections, and further

PROVIDED, that any area being used as an Outdoor Café shall obtain City Council permission and shall meet the general requirements set by the "Outdoor Café Guidelines" as adopted by the City Council and guided by Section 50-2-20 (aka code 1964 § 58-2-8.1) of the City Code; and further

PROVIDED, that by approval of this petition the Detroit Water and Sewerage Department (DWSD) does not waive any of its rights to its facilities located in the right-of-way, and at all times, DWSD, its agents or employees, shall have the right to enter upon the right-of-way to maintain, repair, alter, service, inspect, or install its facilities. All costs incident to the damaging, dismantling, demolishing, removal and replacement of structures or other improvements herein permitted and incurred in gaining access to DWSD's facilities for maintenance, repairing, alteration, servicing or inspection caused by the encroachment shall be borne by the petitioner. All costs associated with gaining access

to DWSD's facilities, which could normally be expected had the petitioner not encroached into the right-of-way, shall be borne by DWSD; and be it further

PROVIDED, that all construction performed under this petition shall not be commenced until after (5) days written notice to DWSD. Seventy-two (72) hours' notice shall also be provided in accordance with P.A. 53 1974, as amended, utilizing the MISS DIG one call system; and be it further

PROVIDED, that construction under this petition is subject to inspection and approval by DWSD forces. The cost of such inspection shall, at the discretion of DWSD, be borne by the petitioner; and be it further

PROVIDED, that if DWSD facilities located within the right-of-way shall break or be damaged as the result of any action on the part of the petitioner, then in such event the petitioner agrees to be liable for all costs incident to the repair, replacement or relocation of such broken or damaged DWSD facilities; and be it further

PROVIDED, that the petitioner shall hold DWSD harmless for any damages to the encroaching device constructed or installed under this petition which may be caused by the failure of DWSD's facilities; and be it further

PROVIDED, Greektown Preservation Society or their assigns shall apply to the Buildings and Safety Engineering Department for a building permit prior to any construction. Also, if it becomes necessary to open cut public streets, bore, jack, occupy or barricade city rights-of-way for maintenance of encroachments such work shall be according to detail permit application drawings submitted to the City Engineering Division – DPW prior to any public right-of-way construction; and further

PROVIDED, that the necessary permits shall be obtained from the City Engineering Division – DPW and the Buildings and Safety Engineering Department. The encroachments shall be constructed and maintained under their rules and regulations; and further

PROVIDED, that all cost for the construction, maintenance, permits and use of the encroachments shall be borne by Greektown Preservation Society or their assigns, and further

PROVIDED, that all costs incurred by privately owned utility companies and/or city departments to alter, adjust, and/or relocate their existing utility facilities located in close proximity to the encroachments shall be borne by Greektown Preservation Society or their assigns. Should damages to utilities occur Greektown Preservation Society or their assigns shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installations; and further

PROVIDED, that no other rights in the public streets, alleys or other public place shall be considered waived by this permission which is granted expressly on the condition that said encroachments shall be removed at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division – DPW; and further

PROVIDED, that Greektown Preservation Society or their assigns shall file with the Department of Public Works – City Engineering Division an indemnity agreement in form approved by the Law Department. The agreement shall save and protect the City of Detroit from any and all claims, damages or expenses that may arise by reason of the issuance of the permits and the faithful or

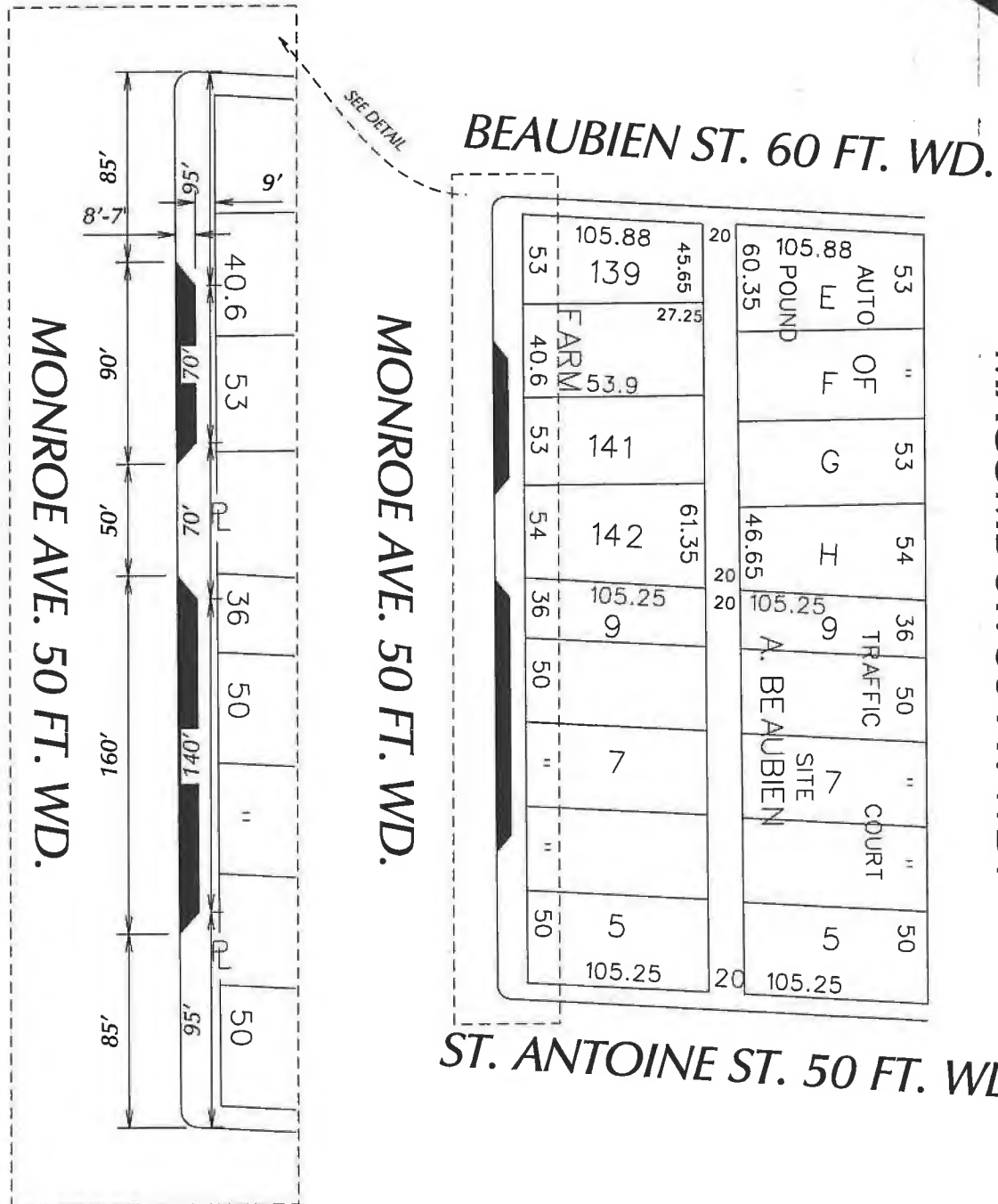
unfaithful performance of Greektown Preservation Society or their assigns of the terms thereof. Further, Greektown Preservation Society or their assigns shall agree to pay all claims, damages or expenses that may arise out of the use, repair and maintenance of the proposed encroachments; and further

PROVIDED, this resolution or part thereof is revocable at the will, whim or caprice of the City Council, and Greektown Preservation Society acquires no implied or other privileges hereunder not expressly stated herein; and further

PROVIDED, that the encroachment permits shall not be assigned or transferred without the written approval of the City Council; and be it further

PROVIDED, that the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

PETITION NO. 856
 GREEKTOWN PRESERVATION SOCIETY
 541 MONROE STREET
 DETROIT, MICHIGAN 48226
 JOHN WARNER
 PHONE NO. (313) 300-0393



- REQUEST ENCROACHMENT
 (With Existing Wooden Decking)

(FOR OFFICE USE ONLY)

CARTO 28 A

B						REQUEST ENCROACHMENT INTO MONRE ST. BETWEEN BEAUBIEN ST AND ST. ANTOINE ST. (With Existing Wooden Decking)	CITY OF DETROIT	
A							CITY ENGINEERING DIVISION	
DESCRIPTION		DRWN	CHKD	APPD	DATE		SURVEY BUREAU	
DRAWN BY SA		CHECKED KSM					JOB NO. 01-01	
DATE 06-07-19		APPROVED				DRWG. NO. X 856		

DEPARTMENTAL REFERENCE COMMUNICATION

Monday, May 13, 2019

To: The Department or Commission Listed Below

From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

DPW - CITY ENGINEERING DIVISION PLANNING AND DEVELOPMENT DEPARTMENT

856 *Greektown Preservation Society, request a Seasonal Outdoor Café Permit on Monroe Street between Beaubien Street and St. Antoine Street.*

The Honorable City Council
Attn: Office of the City Clerk
2 Woodward Avenue
200 CAYMC
Detroit, MI 48226

May 8, 2019

To Whom It May Concern:

On behalf of the Greektown Preservation Society and our membership, I wish to submit a petition regarding an amendment to the café seating program on Monroe Street between Beaubien Street and St. Antoine Street.

In light of consultation from individuals from The City of Detroit Planning & Development Department, as well as the Department of Public Works, and in an effort to validate and implement aspects of the 2018 Greektown Neighborhood Framework Plan, we request approval for the café seating along Monroe Street to be moved from its current location on the street edge to the building edge. These changes will create a simpler, safer, and more enjoyable overall experience for Greektown's patrons as well as for business operators and staff.

Attached to this letter please find a schematic that visualizes our proposed plan. The existing parking spots along Monroe Street were filled in several years ago with wood decking to provide foundation for the existing patio design. With the support of PDD & DPW we are proposing to maintain the currently installed decking, which will now serve as the primary pedestrian right of way.

Each business wishing to install a modified patio using this schematic will submit individual café seating permit requests as soon as possible.

Please contact Athina Papas (President, Greektown Preservation Society) or Tasso Teftsis (Vice President, Greektown Preservation Society) with any questions or concerns. Their contact information is listed below.

Athina Papas: (313) 300-0393
Tasso Teftsis: (313) 732-5171

Sincerely,



John Warner
Greektown Preservation Society
Director of Neighborhood Development
john.warner@greektownvision.com

